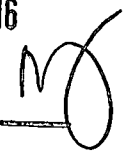


VO  
OCT - 4 2016  
R

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

OCT 04 2016

M. Criel



David M. Ring (SBN 151124)  
James W. Lewis (SBN 207599)  
**TAYLOR & RING**  
10900 Wilshire Blvd., Suite 920  
Los Angeles, California 90024  
Tel: 310/209-4100

**Attorneys for Claimant,**  
MELODY MARTIN, an individual;  
and SEAN MICHAEL MARTIN,  
an individual; and the  
ESTATE OF MICHAEL LEE MARTIN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

"BY FAX"

FOR THE COUNTY OF RIVERSIDE

MELODY ANDERSEN-MARTIN, an )  
individual; SEAN MICHAEL )  
MARTIN, an individual; and the )  
ESTATE OF MICHAEL LEE MARTIN )

Case No. RIC1412885

**COMPLAINT FOR WRONGFUL DEATH;  
DEMAND FOR JURY TRIAL**

Plaintiffs,

-vs.-

RIVERSIDE COUNTY REGIONAL )  
MEDICAL CENTER, a public )  
entity; COUNTY OF RIVERSIDE, a )  
public entity; CITY OF CORONA, )  
a public entity; and DOES 1 )  
through 50 )

Defendants.

TO DEFENDANTS RIVERSIDE COUNTY REGIONAL MEDICAL CENTER, a  
public entity; COUNTY OF RIVERSIDE, a public entity; CITY OF CORONA,  
a public entity; and Does 1 through 50:

1 Plaintiffs MELODY ANDERSEN-MARTIN, an individual, and SEAN  
2 MICHAEL MARTIN, an individual, on behalf of themselves and the  
3 Estate of Michael Lee Martin, hereby complain and allege as follows:

4 THE PARTIES

5 1. At all relevant times plaintiff Melody Andersen-Martin, an  
6 individual, and Sean Michael Martin, an individual, were residents of  
7 the City of Corona, County of Riverside ("Martins"). As Michael Lee  
8 Martin's wife, Melody Martin has standing to bring the claims set  
9 forth herein, including claims for the wrongful death of her husband  
10 pursuant to Code of Civil Procedure section 377.60. Claimant Sean  
11 Michael Martin is an adult natural born child of decedent Michael Lee  
12 Martin, and as such has standing to bring the claims set forth  
13 herein, including claims for the wrongful death of his father  
14 pursuant to Code of Civil Procedure section 377.60.

15 2. The Martins are the surviving heirs of Michael Lee Martin.  
16 The Martins are acting both individually, and as the successors-in-  
17 interest to the Estate of Michael Lee Martin. An affidavit as  
18 required by California Code of Civil Procedure section 377.32 will be  
19 filed in this action. The Martins therefore proceed both on an  
20 individual basis, and as successors-in-interest to the claims of  
21 Michael Lee Martin.

22 3. At all relevant times, Defendant County of Riverside, is,  
23 and was, a governmental entity. The appropriate governmental claims  
24 for each plaintiff were timely filed with the County of Riverside on

1 March 16, 2016 pursuant to California Government Code section 910.  
2 The County of Riverside rejected the claims of each plaintiff on  
3 April 19, 2016.

4 4. At all relevant times, Defendant Riverside County Regional  
5 Medical Center, is, and was, a governmental entity owned and/or  
6 operated and/or run by the County of Riverside. The appropriate  
7 governmental claims for each plaintiff were timely filed with the  
8 County of Riverside on March 16, 2016 pursuant to California  
9 Government Code section 910. The County of Riverside rejected the  
10 claims of each plaintiff on April 19, 2016.

11 5. At all relevant times, Defendant City of Corona, is, and  
12 was, a governmental entity. The appropriate governmental claims for  
13 each plaintiff were timely filed with the City of Corona on March 16,  
14 2016 pursuant to California Government Code section 910. The County  
15 of Riverside rejected the claims of each plaintiff on April 28, 2016.

16 6. The true names, identities, or capacities, whether  
17 individual, associate, corporate or otherwise, of Defendants DOES 1  
18 through 50 are unknown to Plaintiff who therefore sues said  
19 Defendants by such fictitious names. When the true names,  
20 identities or capacities of such fictitiously designated Defendants  
21 are ascertained, Plaintiff will ask leave of Court to amend the  
22 complaint to assert the true names, identities and capacities,  
23 together with the proper charging allegations.

24

1        7. Each of the Defendants designated herein as a DOE is  
2 responsible, in some manner, for the events and happenings herein  
3 referred to, thereby legally causing the injuries and damages to  
4 Plaintiff as hereinafter alleged.

5        8. Plaintiffs are informed and believe and on that basis  
6 allege that at all times mentioned herein the defendants, and each  
7 of them, were the agents, joint venturers, servants, employees,  
8 assistants, and consultants of each other, and as such were acting  
9 within the course, scope, and authority of said agency, joint  
10 venture, and employment, and that each and every defendant, when  
11 acting as a principal, was negligent and reckless in the selection,  
12 hiring, entrustment, and supervision of each and every other  
13 defendant as an agent, servant, employee, assistant, or consultant.

14        9. Wherever appearing in this complaint, each and every  
15 reference to defendants, or any of them, is intended to include, and  
16 shall be deemed to include, all fictitiously named defendants.

17                                **VENUE**

18        10. The subject incidents upon which this Complaint is based  
19 occurred in City of Corona, within Riverside County. As such,  
20 venue is proper in the Riverside County Superior Court.

21                                **FACTS COMMON TO ALL CAUSES OF ACTION**

22        11. Melody Martin's husband, Michael Lee Martin, was killed on  
23 September 17, 2015 by their adult son, Brandon Martin, at their  
24 family home located at 1027 Winthrop Drive, Corona, California 92882

1 ("Residence"). Brandon Martin was a local Corona star high school  
2 baseball star who was drafted in the first round of the Major League  
3 Baseball draft by the Tampa Bay Devil Rays.

4 12. Approximately one year before the date of the incident  
5 Brandon Martin physically assaulted his father, decedent Michael  
6 Martin, at the Residence while his father was seated in his  
7 wheelchair.

8 13. The Corona Police Department was called and Officer Lopez  
9 responded. At that time, Officer Lopez was advised of the full  
10 nature of the attack on Michael Martin. Officer Lopez was aware of  
11 Brandon's baseball career and recommended that the family not press  
12 charges against him because it would harm his career. The family  
13 relied upon Officer Lopez's advice and did not press criminal  
14 charges against Brandon. Following the attack on decedent Michael  
15 Martin, Melody Martin, Michael Martin and Sean Martin obtained a  
16 temporary restraining order against Brandon Martin.

17 14. On Sunday, September 13, 2015, Brandon Martin physically  
18 assaulted his mother, Claimant Melody Martin, at the Residence by  
19 violently choking her. Ms. Martin's neck was bruised and swollen  
20 for several days following the incident.

21 15. On Tuesday, September 15, 2015, Brandon Martin again  
22 assaulted his mother, Melody Martin, with scissors at the Residence.  
23 Sean Martin summoned several family members to the house for advice  
24 and protection. Sean's cousin and Melody's nephew, Mike Andersen,

1 called the Corona Police Department asking for Brandon to be  
2 arrested and explained that Brandon tried to kill Melody with a pair  
3 of scissors. Mike also told the Corona Police Department that two  
4 days before Brandon had choked Melody, Brandon stated that he  
5 believed he would never play baseball again so long as his parents  
6 were alive.

7 16. On the evening of September 15, 2015, after Mike's call,  
8 the Corona Police Department arrived at the Residence, including  
9 Officer Lopez, who responded to the Residence for Brandon's prior  
10 assault of Michael Martin approximately one year earlier. Officer  
11 Lopez was aware of the prior restraining order against Brandon.

12 17. Officers Lopez and Sandoval, and possibly others from the  
13 Corona Police Department were again fully advised of Brandon  
14 Martin's history of physical assaults on his family members. The  
15 officers from the Corona Police Department, including Officer Lopez,  
16 also had first-hand knowledge of Brandon Martin's history of prior  
17 violence towards his family. Moreover, the Martin family members  
18 explained to the police that Brandon had become increasingly violent  
19 towards his family members. Martin family members also advised the  
20 Corona Police Department that they were very concerned that Brandon  
21 Martin would physically harm and/or gravely injure his parents if he  
22 were allowed to return to the Residence.

23 18. The Corona Police Department placed Brandon into a patrol  
24 car and drove him away. Officer Lopez remained behind and advised

1 the family that he was not arresting Brandon, but he was being  
2 placed on a Welfare and Institutions Code section 5150 hold.  
3 Certain family members who were present pleaded with Officer Lopez  
4 to arrest Brandon, rather than place him on a 5150 hold, because he  
5 was a danger to his family. Officer Lopez did not take pictures of  
6 Melody Martin's neck injuries, which were still visible, and did not  
7 give the family a choice in pressing charges against Brandon or  
8 having him arrested. Officer Lopez advised certain family members  
9 that he would not arrest Brandon because he was familiar with  
10 Brandon and a section 5150 hold was the best way to proceed.

11 19. On the evening of September 15, 2015, Brandon Martin was  
12 placed under a Welfare and Institutions Code section 5150 seventy-  
13 two hour hold and was transported by the Corona Police Department to  
14 Riverside County Regional Medical Center, Department of Psychiatry,  
15 Arlington Campus, located at 9990 County Farm Road, Suite 4,  
16 Riverside, CA 92503 ("RCRMC").

17 20. On Wednesday September 16, 2015, Melody Martin spoke with  
18 a nurse or other employee and/or agent of RCRMC multiple times  
19 regarding the status of Brandon Martin's admission to RCRMC. She  
20 was advised that he was present at RCRMC on September 16, 2015 and  
21 could not be given a room because of overcrowding. On the evening  
22 of September 16, 2015 Melody Martin was advised that Brandon would  
23 likely be given a room and admitted to the facility that evening.

1        21. On Thursday morning, September 17, 2015, Melody Martin  
2 received a call from a nurse, employee and/or agent of RCRMC who  
3 advised her that Brandon Martin was likely going to be discharged  
4 from RCRMC, well short of the 72 hour holding period. The nurse,  
5 employee and/or agent said that there was nothing she could do to  
6 prevent the discharge. Melody Martin advised the person from RCRMC  
7 that Brandon could not go home, he would harm his family, and he had  
8 no place to go if he was released. Ms. Martin was advised by the  
9 hospital nurse, employee and/or agent that she would detain him as  
10 long as she could.

11        22. When Melody learned that Brandon was being released she  
12 called her brother, Ricky Andersen. Ricky called RCRMC and pled  
13 with them not to release Brandon because he was dangerous.

14        23. On September 17, 2015 during the early afternoon hours  
15 Melody Martin received another phone call from the same person  
16 advising that Brandon Martin had been released, had been given a bus  
17 ticket, and had left RCRMC. Brandon Martin was released from the  
18 5150 hold less than 48 hours after he was detained by the Corona  
19 Police Department.

20        24. On information and belief, Brandon had never been given a  
21 room at RCRMC, and did not receive the treatment or evaluations from  
22 RCRMC, as they were required to do pursuant to Welfare and  
23 Institutions Code section 5150, et seq. Rather, Brandon was  
24



1 released because that facility claimed it was too crowded to keep  
2 Brandon.

3 25. Ms. Martin contacted several family members and advised  
4 that Brandon Martin had been released from RCRMC and they should be  
5 on the lookout for him.

6 26. During the evening hours of September 17, 2015, Ms. Martin  
7 received a call from a family member who advised her that she should  
8 immediately go home as something awful happened. Upon Ms. Martin's  
9 arrival, she learned that her husband, Michael Martin, had been  
10 killed at her Residence.

11 **FIRST CAUSE OF ACTION**

12 **NEGLIGENCE PER SE FOR FAILURE TO PERFORM MANDATORY DUTY**

13 **(GOVERNMENT CODE SECTION 815.6)**

14 **(By Plaintiff Against Defendants County of Riverside, The City**  
15 **of Corona and Does 1 through 50)**

16 27. Plaintiffs refer to each and every one of the above  
17 paragraphs, and incorporate those paragraphs as though set forth in  
18 full in this cause of action.

19 28. Plaintiffs allege this cause of action pursuant to  
20 California Government Code section 815.6 which states "where a  
21 public entity is under a mandatory duty imposed by an enactment that  
22 is designed to protect against the risk of a particular kind of  
23 injury, the public entity is liable for injury of that kind  
24 proximately caused by its failure to discharge the duty unless the

1 public entity establishes that it exercised reasonable diligence to  
2 discharge the duty."

3 29. Plaintiffs were harmed because employees of the County of  
4 Riverside and City of Corona and Does 1-50 violated their mandatory  
5 duties specified in California Welfare and Institutions Code  
6 sections 5150, 5150.2 and 5152.

7 30. Section 5150(a) requires the facility where a person is  
8 taken into custody for a hold not to exceed 72 hours provides that  
9 "[a]t a minimum. . . evaluation, as defined in subdivision(a) of  
10 section 5008, shall be conducted and provided on an ongoing basis."  
11 Evaluation "consists of a multidisciplinary professional analyses of  
12 a person's medical, psychological, educational, social, financial,  
13 and legal conditions as may appear to constitute a problem. Persons  
14 providing evaluations services shall be properly qualified  
15 professionals. . ." Cal. Welfare and Inst. Code section 5008(a).

16 31. Section 5150, subsection (c) requires that the facility  
17 "shall assess the person to determine whether he or she can be  
18 properly served without being detained."

19 32. Section 5150.2 requires "[e]ach county shall establish  
20 disposition procedures and guidelines with local law enforcement  
21 agencies as necessary to relate to persons not admitted for  
22 evaluation and treatment and who decline alternative mental health  
23 services. . . ."

24 33. Section 5152, subsection (a) requires that:

1 "Each person admitted to a facility for 72 hour treatment and  
2 evaluation under the provisions of this article *shall receive*  
3 an evaluation as soon as possible after he or she is admitted  
4 and *shall receive* whatever treatment and care his or her  
5 condition requires for the full period that he or she is held.  
6 The person shall be released before 72 hours have elapsed *only*  
7 if the psychiatrist directly responsible for the person's  
8 treatment believes, as a result of the psychiatrist's personal  
9 observations, that the person no longer requires evaluation or  
10 treatment. However, in those situations in which both a  
11 psychiatrist and psychologist have personally evaluated or  
12 examined a person who is placed under a 72-hour hold and there  
13 is a collaborative treatment relationship between the  
14 psychiatrist and psychologist, either the psychiatrist or  
15 psychologist may authorize the release of the person from the  
16 hold, but only after they have consulted with one another."

17 [Emphasis added.]

18 34. Section 5152, subsection (b) further requires that "[a]ny  
19 person who has been detained for evaluation and treatment shall be  
20 released, referred for further care and treatment on a voluntary  
21 basis, or certified for intensive treatment, or a conservator or  
22 temporary conservator shall be appointed pursuant to this part as  
23 required."

1        35. Plaintiffs were harmed because unknown employees of the  
2 County of Riverside and/or City of Corona failed to comply with  
3 their mandatory duties as follows:

4        a) failed to provide at a minimum, evaluation of Brandon Martin  
5 on an ongoing basis;

6        b) failed to provide Brandon Martin with multidisciplinary  
7 professional analysis of his medical, psychological, and social  
8 conditions by a properly qualified professional;

9        c) failed to assess Brandon Martin to determine whether he  
10 could be properly served without being detained;

11       d) failed to establish disposition procedures and guidelines  
12 with local law enforcement agencies as necessary relating to persons  
13 such as Brandon Martin who are not admitted for evaluation and  
14 treatment;

15       e) failed to provide Brandon Martin with an evaluation as soon  
16 as possible after he was admitted to Riverside Mental Health;

17       f) failed to provide Brandon Martin with whatever treatment and  
18 care his condition required for the full period he was held;

19       g) allowed Brandon Martin to be released prior to expiration of  
20 72 hours without being seen by psychiatrist directly responsible for  
21 his treatment;

22       h) allowed Brandon Martin to be released prior to expiration of  
23 72 hours for reasons other than his treating psychiatrist's personal  
24

1 observations that Brandon Martin no longer required evaluation and  
2 treatment; and

3 i) failed to refer Brandon Martin for further care upon his  
4 release.

5 36. Additionally, RCRMC failed to notify law enforcement of  
6 the early release of Brandon Martin in violation of Welfare and  
7 Institutions Code section 5152.1, and the peace officer requested  
8 such notification at the time Brandon Martin was referred to RCRMC  
9 for treatment and evaluation. This breach was also a substantial  
10 factor in causing the death of Michael Martin.

11 37. The failure of employees of the County of Riverside and  
12 City of Corona and Does 1-50 to perform these mandatory duties as  
13 proscribed by sections 5150, 5150.2 and 5152, were a substantial  
14 factor in causing Plaintiffs' harm. Each of these statutes were  
15 enacted to protect not only the person subject to the hold, but also  
16 to the public at-large if the person "is a danger to others."  
17 Welfare and Institutions Code sections 5150(a), 5150(e), 5150.05(a).

18 38. Had the provisions of sections 5150, 5150.2 and 5152 been  
19 complied with as the County of Riverside and City of Corona and Does  
20 1-50 were required to do, Brandon Martin, who posed a danger to  
21 others, would not have been released to the unsuspecting public and  
22 allowed to cause grave bodily harm to Michael Lee Martin. These  
23 statutes were enacted to protect the public from the kind of harm  
24 that occurred.

1        39. The actions of the employees of the County of Riverside  
2 and City of Corona and Does 1-50 in failing to comply with their  
3 mandatory duties were a direct and proximate cause of the damages as  
4 alleged herein to plaintiffs and decedents.

5        40. As direct and proximate result of the Defendant County of  
6 Riverside's and City of Corona's and Does 1-50's acts as set forth  
7 above, the Martins have suffered the loss of Michael Lee Martin's  
8 love companionship, comfort, care, assistance, protection,  
9 affection, society, moral support, training and guidance.

10       41. The Martins have suffered the following economic damages  
11 as a result of the death of their father in an amount according to  
12 proof:

13       A. Funeral and burial expenses;

14       B. The value of financial support that Michael Lee Martin  
15 would have provided to the Martins during their life expectancies;  
16 and

17       C. The loss of gifts or benefits that the Martins would have  
18 expected to receive from decedent Michael Lee Martin.

19       42. As a further proximate result of the aforementioned  
20 conduct of the defendants County of Riverside, City of Corona, and  
21 Does 1-50, the Martins, as successors-in-interest to Decedent  
22 Michael Lee Martin, bring a claim for the recoverable damages  
23 Michael Lee Martin sustained or incurred before his death pursuant  
24 to California Code of Civil Procedure sections 377.30 and 377.34.

43. Likewise, as a further proximate result of the  
aforementioned conduct of defendants County of Riverside, City of  
Corona, and Does 1-50, the Martins, as successors-in-interest to  
Decedent Michael Lee Martin, bring a claim for the recoverable  
damages Michael Lee Martin sustained or incurred before his death  
pursuant to California Code of Civil Procedure sections 377.30 and  
377.34.

## SECOND CAUSE OF ACTION

NEGLIGENT HIRING, SUPERVISION, OR RETENTION

(GOVERNMENT CODE SECTION 815.2 AND 820)

(By Plaintiff Against Defendants County of Riverside, The City  
of Corona and Does 1 through 50)

44. Plaintiffs refer to each and every one of the above paragraphs, and incorporate those paragraphs as though set forth in full in this cause of action.

45. Plaintiffs allege this cause of action pursuant to Government Code sections 815.2 and 820. Government Code section 815.2, subsection (a) states that a "public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against the employee or personal representative."

Government Code section 820, subsection (a) provides that "a public

1 employee is liable for injury caused by his act or omission to the  
2 same extent as a private person."

3 46. Plaintiffs were harmed because the County of Riverside  
4 and City of Corona and their employees, including Does 1-50,  
5 violated Welfare and Institutions Code sections 5150, 5150.2,  
6 5150.05 and 5152. The County of Riverside and City of Corona are  
7 responsible for that harm because they each negligently hired,  
8 supervised, and retained their employees, including Does 1-50,  
9 inclusive.

10 47. The County of Riverside and City of Corona failed to  
11 properly supervise and train their employees, including Does 1-50,  
12 inclusive in their mandated duties pursuant to sections 5150,  
13 5150.2, and 5152 and performing these mandated duties.

14 48. The County of Riverside and City of Corona hired their  
15 employees, including Does 1-50, inclusive, while these employees  
16 were unfit and incompetent, or became unfit or incompetent, to  
17 perform the work for which they were hired. The County of Riverside  
18 and City of Corona knew or should have known that their employees,  
19 including Does 1-50, inclusive, were unfit or incompetent, or became  
20 unfit or incompetent, and that this unfitness or incompetence created  
21 a particular risk to others.

22 49. The unfitness or incompetence of the County of Riverside  
23 and City of Corona employees, including Does 1-50, inclusive, harmed  
24 Plaintiffs in that it led to the deaths of their husband and father,



1 and the County of Riverside's and City of Corona's negligence in  
2 hiring, supervising, or retaining its aforementioned employees,  
3 including Does 1-50, inclusive, was a substantial factor in causing  
4 Plaintiffs' harm.

5 50. As a direct and proximate result of the County of  
6 Riverside and City of Corona's and Does 1-50's negligent hiring,  
7 supervision and retention as set forth above, the Martins have  
8 suffered the loss of Michael Lee Martin's love, companionship,  
9 comfort, care, assistance, protection, affection, society, moral  
10 support, training and guidance.

11 51. The Martins have suffered the following economic damages  
12 as a result of the death of their father in an amount according to  
13 proof:

14 A. Funeral and burial expenses;

15 B. The value of financial support that Michael Lee Martin  
16 would have provided to the Martins during their life expectancies;  
17 and

18 C. The loss of gifts or benefits that the Martins would have  
19 expected to receive from decedent Michael Lee Martin.

20 52. As a further proximate result of the aforementioned  
21 conduct of the defendants County of Riverside, City of Corona, and  
22 Does 1-50, the Martins, as successors-in-interest to Decedent  
23 Michael Lee Martin, bring a claim for the recoverable damages  
24

1 Michael Lee Martin sustained or incurred before his death pursuant  
2 to California Code of Civil Procedure sections 377.30 and 377.34.

3 53. Likewise, as a further proximate result of the  
4 aforementioned conduct of defendants County of Riverside, City of  
5 Corona, and Does 1-50, the Martins, as successors-in-interest to  
6 Decedent Michael Lee Martin, bring a claim for the recoverable  
7 damages Michael Lee Martin sustained or incurred before his death  
8 pursuant to California Code of Civil Procedure sections 377.30 and  
9 377.34.

10 PRAYER

11 WHEREFORE, Plaintiffs MELODY ANDERSEN-MARTIN, an individual,  
12 and SEAN MICHAEL MARTIN, an individual, on behalf of themselves and  
13 the Estate of Michael Lee Martin, pray for damages against  
14 Defendants, and each of them, as follows:

15 1. For all recoverable wrongful death noneconomic damages for  
16 loss of love, companionship, comfort, care, assistance, protection,  
17 affection, society, moral support, training and guidance of Michael  
18 Lee Martin all in an amount to be proven at the time of trial;

19 2. For all recoverable wrongful death economic damages  
20 including loss of economic support and loss of household services  
21 and loss of gifts and benefits that each Plaintiff would have been  
22 expected to receive from Michael Lee Martin an amount to be proven  
23 at the time of trial;

1 3. For all the recoverable damages Michael Lee Martin  
2 suffered or incurred before his death pursuant to California Code of  
3 Civil Procedure sections 377.30 and 377.34.

4 4. For all other general and special damages to the extent  
5 permitted by law;

6 5. For costs of suit incurred herein; and

7 6. For such other and further relief as this court may deem  
8 just and proper.

9 Dated: October 3, 2016

TAYLOR & RING

10  
11 By: 

12 David M. Ring  
13 James W. Lewis  
14 Attorneys for Claimant

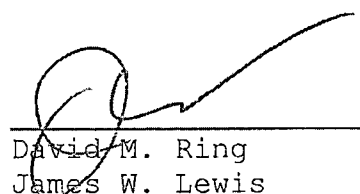
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial in this action.

Dated: October 3, 2016

TAYLOR & RING

By:

  
David M. Ring  
James W. Lewis  
Attorneys for Claimant